Stott. II-27.—40,000—20-12-38.

Home (1939) Department.

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2nd SERIES.

G.O. No. 6359

Dated 9 12 39

[Despatch Abstract.]

Courts- Civil South Kanara District - Appointment of additional Sub Judge, Mangalore - Continuance up to the date of closing the Court for summer recess in 1940- Sanctioned - Appointment of additional District Munsif, Karkal - Abolished

C.F. 30.

DEPARTMENT.

Received ..... 19 . *Registered* 4082-A/39 .

5-DEC 1939 HOME DEPARTMENT

Subject.

5.12.39

ENCLOSURES.
No. .....
.....
Spare copies .....

R.O.C. No. 4391/39-D2.

Station Madras , *Dated the* 1st December 1939.

From (Name) Sri Rao Bahadur D.Appa Rao,
(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,
HOME Department.
(with enclosures)

Sir,

Courts - civil - Additional Subordinate Judge to the Subordinate Judge's Court, Mangalore - Further retention - recommended - Additional District Munsif to the Distric Munsif's Court, Karkal discontinuance - recommended Reference G.O.No. Ms.1999 Home Department dated 11-4-39.

I am to forward a copy of letter Dis.No.5459 dated - 6-11-39 and its enclosures from the District Judge of South Kanara, wherein he requests (1) that the term of the Additional Subordinate Judge, Mangalore, may be extended up to the closing of the court for the summer recess of 1940 and (2) that the term of the Additional District Munsif to the District Munsif's Court, Karkal, may be extended by two more months from 12-12-39

to

to help to keep the file fairly clean at the expiry of the above period. The Hon'ble Judges support the District Judge's request for the retention of the Additional Subordinate Judge and strongly recommend that his term may be extended up to the closing of the Subordinate Judge's Court for the summer recess of 1940. Their Lordships, however, do not agree with the District Judge that an extension of the term of the Additional District Munsif to the District Munsif's Court, Karkal, is necessary and do not therefore recommend his further retention, as the probable arrears of 80 old original suits by the middle of December 1939 are no more than what one District Munsif ought to be able to cope with.

2 Additional Subordinate Judge, Mangalore.

The District Judge, South Kanara, reports that the state of work in the Subordinate Judge's Court, - Mangalore, is still such that the retention of the Additional Subordinate Judge is very necessary till at least the summer recess of 1940. The arrears in the - Superior Courts on 31-10-39 were as follow:--

Court.	Original suits.	Civil Appeals.	Sessions cases.	Criminal Appeals.
District Court.	9 (8 old) -	297 (113 old) -	10 -	6
Subordinate Judge's Court, Mangalore.	148 (76 old) -	607 (340 old) -	3 -	-
Total	157(84) -	-904 (453)-	13 -	6

On the basis of the standard annual outturn of 56 original suits after full trial fixed for the Subordinate Judge's Court, Mangalore, the existing arrears of 148 original suits with 76 old suits represent about sixteen months' work for a single officer, irrespective of the work in the other branches. The

number

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number of appeals pending on 31-10-39 in the two courts was 904, of which 453 were old. There has also been a steady - increase in the Sessions work in the Sessions Court.

3/ For the above reasons the Hon'ble Judges recommend that the appointment of the Additional Subordinate Judge to the Subordinate Judge's Court, Mangalore, may be continued till the closing of the court for the summer recess of 1940.

4/ I am therefore to request that Government may be - pleased to issue orders accordingly.

5/ The extra cost involved in the proposal during the current year will be met from the existing budget grants for the year under "27 e.B.Mufassil-Civil and Sessions Courts-Regular Establishments - Pay of Officers and Pay of Establishments - voted". As regards the cost involved during the next year, necessary provision has been made in the draft Budget Estimate for next year for the retention of the Additional Subordinate Judge, Mangalore, and his staff.

I have the honour to be,

Sir,

Your most obedient servant,

D. Appa Rao

Registrar.

TV

Copy of letter dated 5th November 1939, from the District Judge, South Kanara, to the Registrar of the High Court of Judicature, Madras.

Courts - Civil - Additional Sub Judge to the Sub Court Mangalore and Additional District Munsif to the District Munsif's Court, Karkal - Further retention - requested.

Para 1, page (K)

Reference:-G.O.No.Ms. 1999, Home Department, dated 11th April 1939.

-

I have the honour to state that the Additional Sub Judge to the Sub Court, Mangalore and the Additional District Munsif to the District Munsif's Court,Karkal, sanctioned in G.O.No.Ms. 1999, dated 11th April 1939, for a period of six months from the date on which the courts re-opened after their summer recess of 1939, began to function with effect from 12-6-1939 and their period of retention expires on 12-12-1939. The state of work in the Sub Court is still such that the retention of the Additional Sub Judge is very necessary till at least the summer vacation of 1940. The state of the pendency this day is, in spite of the best efforts of all the officers concerned to reduce the arrears, due to enormous rise in various branches of work in the courts.

2. The number of appeals pending in the District Court and in the Sub Court on 31-10-1939 is 904 and this is almost an ~~appealing~~ appalling number. The ages of the appeals pending the two courts are given below:--

1932	.. ..	2
1933	.. ..	4
1934	.. ..	26
1935	.. ..	34
1936	.. ..	47
1937	.. ..	137
1938	.. ..	277
1939	.. ..	377
	Total ..	904

While the institution of appeals in 1937 was only 316, it rose in 1938 to as much as 461 and the rise is being maintained and the filing up to 31-10-1939 was 410 and the total should

rise

rise to much over 500 before the close of the year. This large increase in the filing of appeals is very much due to the Madras Agriculturists Relief Act where a priori reasoning alone avails and decisions are not yet numerous for guidance. The Principal Sub Judge who has been functioning from 1-1-1939 to 31-10-1939 and the Additional Sub Judge who has been working only from 12-6-1939 to 31-10-1939 have between them disposed of as many as 218 civil appeals from 1-1-1939 to 31-10-1939; in the same period in 1938 the single Sub Judge disposed of 68 appeals and in the current year the number of disposals has been over three times with a second Sub Judge working only for about four and ahalf months extra. The two Sub Judges have been working hard to reduce the pendency of appeals and they have been able to turn out the work in spite of the fact that the Principal Sub Judge has disposed of 8 Sessions cases from after the summer vacation . rather practically from the beginning of August when sessions cases were begun to be transferred - and till 31-10-1939. To reduce the huge pendency of civil appeals it is therefore very necessary in the interests of the litigants that the Additional Sub Judge should be retained till at least the summer vacation of 1940.

In the District Court the disposal of civil appeals in 1937 was 129 and in 1938 the figure was 143 and up to 31-10-1939 the figure was 106.

3. There has been a steady increase in the sessions work in the Sessions Court; the number of committals in 1937 was 35 and in 1938 it was as much as 45 and in this year even by 31-10-1939 the figure has been 47 and an additional 8 cases may at least be expected. The number of criminal appeals has also steadily risen; it was 37 in 1937 and in 1938 only 26 and in the current year and up to 31-10-1939 the number of criminal appeals filed has been 40.

4. The institution of Original suits in the Sub Court has also risen in the current year; while in 1938 the institutions were only 82,

the figure in the current year even up to 31-10-1939 is 85. The Principal Sub Judge from 1-1-1939 and the Additional Sub Judge from 12-6-1939 have disposed of a proportionately large number of civil suits than in the corresponding period of theprevious year, though the Principal Sub Judge has also had to do 8 sessions cases from the beginning of August 1939 and up to 31-10-1939. The number of disposals of original suits in 1938 from the beginning of the year till 31-10-1938 was 45 after full trial plus 14 uncontested and in the current year the figures are 70 after full trial plus 42 uncontested.

Taking the original suits pending in the Sub Court alone, viz, 148 suits of which 76 are over a year old, and judging from the stadard fixed for the Sub Judge, viz 56 suits a year after full trial, the time required to dispose of the original suits which have become old alone will be 1 year and 4 months for a single Sub Judge and for the two Sub Judges 8 months, irrespective of the work in the various other branches. Besides, there are 9 original suits pending in the District Court, of which 8 are more than a year old.

5. I therefore request that the Additional Sub Judge's term may kindly be extened up to the closing of the Sub Court for the summer recess of 1940.

6. As to the Additional District Munsif sanctioned for the District Munsif's Court,Karkal, the two District Munsifs have been trying to reduce the arrears of old suits as much as possible; there however still was a pendency of 379 original suits in all on 15-10-1939 with 131 of them being over one year old. 31 further suits would become one year old suits by the middle of December. Giving credit for the possible disposals of old suits by the middle of December - on the basis of the ~~stadars~~ standards (viz 175 suits after full trial for a year) fixed - there would be left a pendency of 80 old suit. by the middle of December. The Additional District Munsif already functioning at Karkal, an extension of his term by

another two months would help to keep the file fairly clean at the expiry of the two months. I therefore request that the term of the Additional District Munsif at Karkal may kindly be extended by two months from 12-12-1939

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District and Sessions Court, South Kanara.

Year.	Name of the Presiding Officer.	Period presided Over. From	To.	Disposed of: Instituted	After full trial.	Disposed of: Un-contested	Total.	Still pending: Total	Old Cases.	Remarks.
Civil Appeals.										
1938	Mr. Mir Amiruddin	1-1-38	19-6-38		54	8	62			
	Mr. P. Rajagopalachari	20-6-38	31-12-38		65	69	134			
	Total for the Court.			461	119	77(a)	196	641		(a) Includes 53 appeals transferred to Sub Court
1939 up to 31-10-39	Mr. P. Rajagopalachari	1-1-39	31-10-39	410	92	665(b)	757	297	113	(b) Includes 651 appeals transferred to Sub Court
Original Suits										
938	Mr. Mir Amiruddin	1-1-38	19-6-38		5	2	7			
	Mr. P. Rajagopalachari	20-6-38	31-12-38							
	Total for the Court			4(c)	5	2	7	16		(c) 3 relate to Religious Endowment. 1 Do to Probate.
939 up to 31-10-39	Mr. P. Rajagopalachari	1-1-39	31-10-39	1	1	7(d)	8	9	8	(d) Out of 7 Suits, 5 Suits were retransferred to Sub Court.
Sessions Cases.										
938	Mr. Mir Amiruddin	1-1-38	19-6-38	45	42		42	7		
	" P. Rajagopalachari	20-6-38	31-12-38							
939 up to 31-10-39.	Mr. P. Rajagopalachari	1-1-39	31-10-39	47	34	11(e)	45	10		(e) 11 Cases transferred to Assistant Sessions Judge.
Criminal Appeals.										
938	Mr. Mir Amiruddin	1-1-38	19-6-38	26	31		31	3		
	P. Rajagopalachari	20-6-38	31-12-38							
939 up to 31-10-39.	Mr. P. Rajagopalachari	1-1-39	31-10-39	40	37		37	6		

District Court, South Kanara,
Mangalore Dt 13-11-1939.

(Sd) P. Rajagopalachari
District Judge.

sw/k

Subordinate Judge's Court, Mangalore.

Year.	Name of the presiding Officer.	Period presided over. From	To.	Instituted.	Disposed of: After full trial	Disposed of: Uncontested	Disposed of: Total.	Still Pending: Total.	Still Pending: Old Cases.	Remarks
						Original Suits				
1938	Messrs. D.B. Krishnamurti	1-1-38	31-10-38		45	14	59			
	S. Ramaswami Ayyangar.	7-11-38	21-12-38		15	8	23			
	D.S. Raja Rao	22-12-38	31-12-38							
	Total for the Court			82	60	22	82	175	106	
1939	D.S. Raja Rao Prl. Sub Judge.	1-1-39	31-10-39		49	31	80			
	T. Vasudeva Rao Addl Sub Judge.	12-6-39	31-10-39		21	11	32			
	Total for the Court			85	70	42	112	148	76	
						Civil Appeals.				
1938	D.B. Krishnamurti	1-1-38	31-10-38		64	4	68			
	S. Ramaswami Ayyangar	7-11-38	21-12-38		19		19			
	D.S. Raja Rao	22-12-38	31-12-38							
	Total for the Court				83	4	87	172	172	
1939	D.S. Raja Rao Prl. Sub Judge	1-1-39	31-10-39	653 Receipt by transfer	118	17	135			
	T. Vasudeva Rao Addl. Sub Judge	12-6-39	31-10-39		79	4	83			
	Total for the Court			653 Do.	197	21	218	607	340	
						Sessions Cases.				
1939	D.S. Raja Rao Prl. Sub Judge exercising Additional Sessions Judge powers from 1-8-39	1-1-39	31-10-39	11 Receipt by transfer	8		8	3		

District Court, South Kanara
Mangalore Dt 13-11-1939

(Sd). P. Rajagopalachar
District Judge.

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District Munsif's Court Kundapur. (Original Suits)

Name of the Presiding Officer.	Period presided Over From	to	Instituted	Disposed of After full trial.	Disposed of Un-contested	Disposed of Total	Still pending Total.	Still pending Old Cases.	Remarks.
1938.									
Sri K. R. Krishnayya Chetty	1-1-1938	31-12-38	540	226	291	517	351	90	
1939 up to 31-10-39.									
Do.	1-1-1939	31-10-39	510	189	392	581	292	65	

District Court of South Kanara.
Mangalore 13-11-1939.

(Sd) P. Rajagopalachari,
District Judge.

XX

District Munsif's Court, Karkal. (Original Suits)

Name of the Presiding Officer.	Period presided over. From	To.	Disposed of: Instituted	After full trial.	Uncontested	Total	Still Pending: Total	Old Cases	Remarks.
1938.									
Sri. B. Koragappa	1-1-1938	3-3-1938		34	44	78			
Sri. V. Pola Reddi	9-3-1938	31-12-1938		143	381	524			
Total for the Court			690	177	425	602	560	197	
1939 up to 31-10-39.									
Sri. V. Pola Reddi Prl. Dt. Munsif	1-1-39	31-10-39.		160	257	417			
Sri. M. Venkatappa as Addl. Dt Munsif	12-6-39	31-10-39		112	110	222			
Total for the Court.			414	272	367	639	348	111	

District Court of South Kanara
Mangalore 13—11—1939.

(Sd) D. Rajagopalachari,
District Judge.

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District Munsif's Court Kasargode.

(Original Suits)

Name of the Presiding Officer.	Period presided over From	To	Disposed of Instituted	After full Trial.	Un-Contested	Total	Still pending Total	Old Cases.	Remarks.
1938.									
1. Sri. P. A. Nazareth	1-1-1938	16-9-1938		166	(a) 204	370			(a) Includes 126 suits transferred to the District Munsif's Court Mangalore.
2. Sri. K. V. Sitarama Rao	17-9-38	1-11-38		46	(b) 45	91			(b) Includes 1 suit transferred to the Subordinate Judge's Court Mangalore
1. Sri. E. Krishnamurthi	2-11-38	31-12-38		50	50	100			
Total for the Court			572	262	(c) 299	561	666	200	(c) Includes 127 suits transferred as above
1939 up to 31-10-1939.									
3. Sri E. Krishnamurthi	1-1-39	31-10-39	478	280	323	603	548	156.	

District Court of South Kanara,
Mangalore 13-11-1939.

(Sd) P. Rajagopalachari,
District Judge.

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District Munsif's Court, Mangalore.

(Original Suits)

Name of the Presiding Officer.	Period presided over From	To	Disposed of: Instituted After full trial	Uncontested	Contested	Total.	Total.	Still pending: Old Cases.	Remarks.
1938.									
Sri. A. M. S. Jagat Ag. Principal Dt. Munsif from 1-1-38 to 28-2-38 and ag. Dt. Munsif from 1-3-38 to 31-12-38.	1-1-38	28-2-38		165	280	445			
Sri V. Pole Reddi Addl. Dt. Munsif	1-1-38	28-2-39		38	10	48			
Total for the Court 1939 up to 31-10-39.			584	203	290	493	432	73	
Sri. A. M. S. Jagat	1-1-39	9-6-39		72	100	172			
Sri L. A. Vaidyanatha Ayyar.	10-6-39	31-10-39		82	153	235			
Total for the Court			448	154	253	407	480	156	

District Court of South Kanara
Mangalore 13-11-1939.

(Sd) P. Rajagopalachari
District Judge.

District Munsif's Court, Puttur.

Original Suits.

Year.	Name of the Presiding Officer	Period presided over From	To.	Instituted	Disposed of After full trial	Disposed of Uncontested	Disposed of Total.	Still pending Total	Still pending Old Cases.	Remarks.
1938	Sri B L N Rai	1-1-38	31-12-38	493	270	263	533	344	68	
1939 up to 31-10-39.	Sri B L N Rai	1-1-39	31-10-39	439	232	209	441	371	143	

District Court, South Kanara.
Mangalore, dated 13-11-1939.

(Sd) V. Rajagopalachari
District Judge.

District Munsif's Court, Udipi —

Original Suits.

12

Year	Name of the Presiding Officer	Period presided Over: From	To	Instituted	Disposed of: After full trial	Disposed of: Un-Contested	Disposed of: Total	Still pending: Total	Still pending: Old Cases.	Remarks.
1938	Sri. R.M.V.S. Rao	1-1-38	31-12-38	451	162	321	483	324	32	
1939 up to 31-10-39.	Do.	1-1-39	31-10-39	453	127	384	511	270	47	

District Court, South Kanara
Mangalore,
Dt 13th November 1939.

(Sd) P. Rajagopalachari,
District Judge.

16

HOME DEPARTMENT.

COURTS - Civil - South Kanara District - Addl. Subordinate Judge to the sub court, Mangalore - Further retention - Addl. Dt. Munsif to the D.M.C. Karkal - Abolition.

***

C.No.40824 E/39

From the High Court, R.O.C.No.4391/39-D.2 dated 1.12.39.

***

A.S.

The Hon. the Judges recommend -

(1) that the post of additional Sub Judge, Mangalore, may be continued upto the date of the closing of the sub court for its summer recess in 1940, and

(2) that the post of additional Dt. Munsif to the Dt. Munsif's Court, Karkal, may be abolished on the expiry of its present sanction.

2. Item (2) above - Addl. Dt. Munsif, Karkal - Abolition:

The post of addl. Dt. Munsif, Karkal was sanctioned for a period of six months with effect from the date on which the court re-opened after its summer recess in 1939. Its present sanction expires on 12.12.39. The Dt. Judge, South Kanara, has requested that the term of the post might be extended for a period of two months more with effect from 12.12.39, so that the file of the court might be kept fairly clean. But the Hon. the Judges, for the reasons set out in para 1, at p.2 c.f., do not consider it necessary to extend the term of the post and do not recommend the request of the Dt. Judge. The view of the Hon. the Judges may be accepted and the post be abolished from 12.12.39.

3. Item (1) on p.1 ante - Addl. Sub Judge, Mangalore - Continuance:

The post of additional Subordinate Judge, Mangalore was sanctioned for a period of six months with effect from the date on which the court re-opened after its summer recess in 1939 and its present sanction expires on 12.12.39. The Dt. Judge, S.Kanara has reported that the state of work in the Sub Court Mangalore on 31.10.39 was such that the retention is very necessary till at least the summer recess in 1940.

4. The following statement shows the state of work in the Sub Court, Mangalore, since 1933:-

Year	O.S. Institutions	O.S. Disposal	O.S. Pendency	C.A. Institutions	C.A. Disposal	C.A. Pendency	S.C.S. Institutions	S.C.S. Disposal	S.C.S. Pendency
1933	155	114	141	..	77	130	217	198	70
1934	123	99	174	..	175	161	187	196	63
1935	110	114	149	110	159	122	224	230	57
1936	119	96	161	125	92	155	790	579	272
1937	96	95	168	128	74	209	222	232	69
1938	82	82	175	..	87	172	200	122	148
1939 upto 31.10.39	85	112	148 (76old)	653*	218	607 (340old)	Not available		
Full year 39	102	134	—	—	262	—			
Standard outturn									
New		56			156				
Old		72			—				

*(Received by transfer.)

It will be seen that, on the basis of the figures up to 31.10.39, the figures for 1939 are likely to show an increase in institution and disposals under original suits as compared with 1938.

5. The state of pendency in the Sub court on 1.8.38, on the basis of which the additional Sub Judge was sanctioned, and that on 31.10.39 are as shown below:-

	O.S.	S.C.S.	C.A.
1.8.38	172 (115 old)	140 (45 old,	162 (all old)
31.10.39	148 (76 old)	Not available	607 (340 old)

The

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J.A

The total pendancy in the Dt. Court and the Sub Court is shown in the statement on p.2 c.f.

Para 2, pp 2-3 y

It is stated that, on the basis of the standard out-turn of 56 O.S. after full trial fixed for the Sub Court, Mangalore, the existing arrears of 148 O.S. with 76 old suits in that court will provide work for about sixteen months for a single officer, irrespective of the work in other branches. It will also be seen that the total pendency under appeals in the Dt. Court and the Sub Court together was greater on 31.10.39 viz. 904 than on 1.8.38 viz. 697. In the circumstances, it is submitted for orders whether the recommendation of the Hon. the Judges that the post of additional Sub Judge, Mangalore may be continued till the closing of the court for its summer recess in 1940 i.e., for about 4 months more, will be accepted.

x p. 2 a

o p. 2 y (ii)

X

p. 2 b

(i) about two months y

April 4.12.39.

6. Finance may see for remarks.

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4.12.39.

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Finance (Es)

The proposals of Home at A on page ante, and at X above may be agreed to and the case remitted to Home

8.12.39

Home.

Home No 40824 E 7
7.12.39

ABSOLUTE SECRECY IS ENJOINED
7 - DEC 1939
PRIVATE & SECRET

Received at 4-45 p.m.
7-12-39

50325 EI

A1268 E
8.12.39

Fin. No. 50325 EI
8-12-39

ABSOLUTE SECRECY IS ENJOINED
3 - DEC 1939
PRIVATE & SECRET

17

A.S.

Home Defl.

Please see the remarks of the Finance Department para 3 ante. A draft order is submitted for approval.

8/12.

8/12

8.12.39.

Ldo 3.

HOME SECRETARY
9 NOV 1939
GOVT OF MADRAS

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DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied		
When examined		
When signed		
When despatched.		

SUBJECT:— Home Dept.

Comb. Circ. - South Kanara district. - Appointment of. addl Sub. Judge Mangalore - continuance upto the date of closing the Summer recess in 1940. Sanctioned. Appointment of addl. St. Mf. Karkal to be Abolished

(E) READ AGAIN G.O. 1999 Home, dated 11. 4. 1939.

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READ *ALSO*:—

No. 40824 E From the Nigl Conf Proc., No. 4391/39 D2. dated 1.12. 1939.

,, ,, ,, ,, 19

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Order / ~~Resolution~~ Ms. / ~~Rout.~~ No. 6359, dated 9. 12. 1939.

Seen by Secy

His Excellency the Governor of Madras sanctions the continuance of the appointment of additional Subordinate Judge, Mangalore, with its establishment, with effect from 12. 12. 1939 to the date of commencement of the Summer vacation of the Courts in 1940.

2. H. E. the Governor directs that the appointment of additional District Munsif Karkal, with its establishment be abolished with effect from 12. 12. 1939.

p. 3 n/f

(E)

Cf Pr 2—4 of G.O. 1732 1/11/39

p. 1 n/f

21

3 The appended notification will be published in the Fort St George Gazette

8/12

8/12

8/12

8.1239

To
The Hon'ble the C.J.
The Dt. Judge S. Kanara
The A.G. (Revision C.C)
The Finance
The Finance Deptt
The S.G. Pioneer for publication in the Gazette

Deptt 9/12

Appendix.

Notification.

Under Section 4 of the Madras Civil Courts Act 1873 (III of 1873) as amended by Madras Act III of 1935, His Excellency the Governor of Madras, after consultation with the High Court, is pleased to direct that the number of District Munsifs to be appointed to the Districts Munsifs Courts, Kasaragod in the district of South Kanara, shall be one with effect from 12.12.39.

8/12

8/12

No ad hoc rule necessary.

of Rr. 3-4 ?

Dtd. by Van / Post / Messenger

Dispatched 9/12

Date